

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

John L. Gillis,)
)
Plaintiff,) Civil Action No.: 3:11-cv-1801-TLW
)
vs.)
)
Carolyn W. Colvin,)
Acting Commissioner of Social)
Security,)
)
Defendant,)
_____)

ORDER

On February 28, 2014, counsel for the Plaintiff, John L. Gillis (“Plaintiff”), filed a motion for attorney’s fees and costs pursuant to the Social Security Act, 42 U.S.C. § 406(b). (Doc. #32). In the Motion, counsel for the Plaintiff requests reimbursement for representation provided in the above-captioned case in the amount of \$8,475.00. (Doc. #32).

As required by 42 U.S.C. § 406(b), the amount requested by counsel is not greater than twenty-five percent (25%) of the past-due benefits recovered by the Plaintiff. Counsel for the Commissioner of Social Security (“Commissioner”) filed a Response to the Motion on March 31, 2014 stating that the Commissioner takes no position but does not object to the request for an award of attorney’s fees under § 406(b). (Doc. #34).

The Court has reviewed the motion, counsel’s fee petition, and the accompanying fee agreement and finds that the request for fees pursuant to § 406(b) is reasonable. Accordingly, **IT IS ORDERED** that Plaintiff’s Motion for Attorney’s Fees (Doc. #32) pursuant to the Social Security Act, 42 U.S.C. § 406(b), be and hereby is **GRANTED** in the amount of \$8,475.00.

The Court notes that the Plaintiff's attorney was also awarded attorney's fees in this action in the amount of \$4,785.00 under the EAJA. (Doc. #31). As Plaintiff's counsel acknowledges in his Motion and Memorandum (Docs. #32; 32-1), the previous EAJA award of \$4,785.00 must be refunded to the Plaintiff pursuant to Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002), resulting in a net fee of Three Thousand Six Hundred Ninety (\$3,690.00) Dollars.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Chief United States District Judge

June 24, 2014
Columbia, South Carolina